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R 301530Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5672

C O N F I D E N T I A L SECTION 1 OF 11 CARACAS 8511

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE - CLASSIFIED ANALYSIS AND SUPPLEMENT
TO FINAL REPORT ON CARACAS SESSION

REF: CARACAS 5510

DEPARTMENT POUCH USUN, US MISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

THIS REPORT IS SUPPLEMENTARY TO THE UNCLASSIFIED REPORT
CONTAINED REFTEL, DOES NOT REPEAT INFORMATION THEREIN, AND IS
ORGANIZED IN THE SAME WAY. EACH SECTION CONTAINS ADDITIONAL
CLASSIFIED INFORMATION AND ANALYSIS ON THE SUBJECTS ADDRESSED
IN THE UNCLASSIFIED REPORT. IT ALSO CONTAINS A SUMMARY OF
OUR DIRECT LIAISON EFFORTS WITH OTHER DELS (6), MATTERS
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CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS (7),

AND PLANNED INTERSESSIONAL WORK (8).

1. SUMMARY AND OVERALL EVALUATION OF THE SESSION.

AMONG THE MAJOR PROBLEMS WE FACE IN ACHIEVING AN AGREEMENT ACCEPTABLE TO US, THE FOLLOWING ARE MORE CLEARLY EVIDENT NOW, AND ARE BRIEFLY REVIEWED HERE.

A. THE TERRITORIALIZATION OF THE ECONOMIC ZONE.

THERE HAS BEEN A DRIFT TOWARD TERRITORIALIZING THE ECONOMIC ZONE, WHICH AFFECTS NOT ONLY THE FISHERIES BUT POLLUTION AND RESEARCH NEGOTIATIONS. THIS DRIFT HAS BEEN BASED ON A VARIETY OF FACTORS, INCLUDING THE FOLLOWING:

(1) LATIN AMERICANS ARE PREOCCUPIED WITH FINDING A FORMULA PERU AND BRAZIL MIGHT ULTIMATELY BE ABLE TO ACCEPT. THIS IS UNDERSTANDABLE IN ARGENTINA'S AND CHILE'S CASE, BUT LESS SO IN OTHER CASES. PERU'S PSYCHOLOGICAL HOLD ON THE LATINS MUST BE FURTHER WEAKENED, OR HER POSITION ALTERED. A BREAKTHROUGH WITH BRAZIL COULD TURN THE TIDE.

(2) TANZANIA IS IN EFFECT BEHAVING LIKE AN ARCH-TERRITORIALIST, ALTHOUGH THE REASONS ARE UNCLEAR. THE SUBSTANCE, BUT NOT THE STYLE, BEARS STRIKING SIMILARITIES TO CHINESE POSITIONS. THEIR GRIP ON THE AFRICANS IS SUBSTANTIAL, AND MUST BE WEAKENED BEFORE THE CRUCIAL OAU MEETINGS. THE ROLE OF GHANA, NIGERIA, KENYA, SENEGAL, LIBERIA AND ZAIRE SHOULD BE STRENGTHENED.

(3) CANADA IS LEGITIMIZING THIS TREND WITH RESPECTABLE RHETORIC, PROBABLY IN ORDER TO STRENGTHEN HER POLLUTION POSITION AND DRAMATIZE HER INDEPENDENCE OF THE U.S. AND OTHER MARITIME POWERS.

(4) THE COASTAL AFRICANS STILL SEE A TERRITORIALIZED ECONOMIC ZONE AS THE ANSWER TO WHAT THEY CONSIDER TO BE UNREASONABLE LANDLOCKED STATE DEMANDS. MOVEMENT TOWARDS A PRECISE RESOLUTION OF LANDLOCKED PROBLEMS WOULD RELIEVE THE PROBLEM, BUT IS NECESSARY BEFORE THE TERRITORIAL TREND BECOMES A MATTER OF IDEOLOGY.

B. THE POLITICAL OPPOSITION ON STRAITS.

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(1) THE ARABS ARE PREOCCUPIED WITH THE TIRHAN PROBLEM, THOUGH EFFORTS TO RESOLVE THE PROBLEM ARE BEGINNING TO PAY OFF IN THE SILENCE OF KEY ARAB STATES SUCH AS EGYPT.

(2) AGREEMENT ON THE ARCHIPELAGO ISSUE IS STILL NEEDED TO OBTAIN SUPPORT ON STRAITS FROM ARCHIPELAGO STATES AND THEIR SUPPORTERS.

(3) OPPOSITION FROM STATES WITH WHOM WE HAVE A DEFENSE RELATIONSHIP CONTINUES TO CAST DOUBT ON OUR DETERMINATION. SPAIN, AND TO A LESSER EXTENT DENMARK AND GREECE, ARE THE PROBLEM.

C. THE IDEOLOGICAL CHARACTER OF THE DEEP SEABEDS NEGOTIATION.

THE DEVELOPING COUNTRIES ARE NEGOTIATING ON THE BASIS OF STRONGLY HELD POLITICAL AND ECONOMIC IDEOLOGIES, FUELED TO SOME EXTENT BY THOSE RELUCTANT TO SEE LARGE-SCALE DEEP SEABED MINING. THE U.S., FRG, AND A FEW OTHERS ARE TRYING TO SET OUT IN THE TREATY ITSELF A PRACTICAL SYSTEM THAT CAN WORK. THE DEVELOPING COUNTRIES HAVE NOW IN EFFECT CONCEDED THAT THEY WILL HAVE TO WORK WITH PRIVATE CORPORATIONS, AND THAT THIS IMPLIES REASONABLE INVESTMENT CONDITIONS, SECURITY, AND PROFIT POTENTIAL. BUT THEY DO NOT FEEL SUFFICIENTLY CONFIDENT TO DECIDE TOO MANY PRECISE ECONOMIC ISSUES, AND HAVE SEVERE IDEOLOGICAL PROBLEMS IN ACCOMMODATING THEIR THEORIES TO CAPITALIST PRACTICE. A DEGREE OF IMAGINATION AND CONCEPTUAL FLEXIBILITY IS NEEDED TO BRIDGE THE GAP. THIS WOULD BE MUCH EASIER IF WE DID NOT HAVE TO CONTEND WITH SHARP PERUVIAN AND ALGERIAN TACTICS IN THIS COMMITTEE.

(1) AMONG THE MOST VOCAL OPPONENTS IN THE DEEP SEABED NEGOTIATIONS ARE CERTAIN LAND-BASED PRODUCERS OF

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R 301530Z AUG 74
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC 5673

C O N F I D E N T I A L SECTION 2 OF 11 CARACAS 8511

FROM USDEL LOS

DEPARTMENT POUCH USUN, US MISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

MINERALS THAT WILL BE RECOVERED FROM THE INTERNATIONAL
AREA. FOR THE MOST PART THEY HAVE BEEN ABLE TO GUIDE THE GROUP
OF 77 TOWARD A POLICY OF "PROTECTING" LAND-BASED
PRODUCERS FROM "ADVERSE EFFECTS" OF MINERAL RECOVERY FROM THE
DEEP SEABED. SOME INROADS HAVE BEEN MADE IN THE RANKS OF THE GROUP
OF 77 EMPHASIZING THAT DEVELOPING COUNTRIES ARE CONSUMERS OF THE
MINERALS AND THE PRODUCTS MADE FROM THEM, AND THAT INDUSTRIALIZED
COUNTRIES ARE THE LARGEST PRODUCERS OF MINERALS FOUND IN MANGANESE
NODULES. HOWEVER, CONSUMPTION OF THE MINERALS IS DIFFUSED
OVER ALL COUNTRIES AND THE PRODUCTION OF THE MINERALS IS CON-
CENTRATED AMONG A FEW COUNTRIES. THUS, AN INDIVIDUAL PRODUCING
COUNTRY HAS MORE A STAKE IN THE DEEP SEABED NEGOTIATIONS THAN
A COUNTRY THAT IS SIMPLY A CONSUMER, AND THAT IN TURN ENCOURAGES
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LAND-BASED PRODUCER COUNTRIES TO SEEK AND MAINTAIN LEADERSHIP
AMONG THE DELEGATIONS WHO DO NOT PRESENTLY HAVE THE TECHNOLOGY
TO RECOVER MINERALS FROM THE INTERNATIONAL AREA.

D. UNCERTAINTY REGARDING SOVIET BEHAVIOR AS THE NEGOTIATION
INTENSIFIES.

IN ADDITION TO AN APPARENT DESIRE TO DISPLAY GREATER INDEPEN-
DENCE FROM US AND POLITICAL ACCOMMODATION OF LDCS, THE
U.S.S.R. WILL BE UNDER INCREASING PRESSURE TO COMPROMISE ON
ISSUES THAT SHE DOES NOT REGARD AS IMPORTANT AS WE DO, INCLUDING
OVERFLIGHT OF STRAITS, THE DEEP SEABED MINING SYSTEM, SPECIAL
TREATMENT FOR TUNA AND PERHAPS EVEN SALMON, AND AN ESSENTIALLY
COASTAL REGIME REGARDING POLLUTION IN ESPECIALLY VULNERABLE AREAS
(WHICH THEY IN EFFECT ALREADY CONCEDED AT THE LONDON POLLUTION
CONFERENCE). THERE HAS BEEN VIRTUALLY NO ADVANCE CONSULTATION
AT THIS SESSION REGARDING SOVIET PROPOSALS, ALTHOUGH IN
GENERAL THEY HAVE BEEN COOPERATIVE. THEY HAVE RECENTLY PROVIDED
ASSURANCES OF IMPROVED CONSULTATION ON NEW PROPOSALS.

(1) THE PRIVATE ACCOMPLISHMENTS CARACAS ARE DISCUSSED IN THIS
REPORT UNDER THE RELEVANT SUBSTANTIVE HEADINGS. IT IS IN THE FIELD
OF PRIVATE NEGOTIATION THAT THE MOST NEGOTIATING PROGRESS IS
EVIDENT. AMONG OTHERS, THIS INCLUDES:

(A) CONSIDERABLE PROGRESS TOWARD A MUTUALLY ACCEPTABLE SOLUTION OF THE ARCHIPELAGO PROBLEM WITH INDONESIA, FIJI AND THE BAHAMAS, LINKED TO SUPPORT ON STRAITS, AND PROGRESS TOWARD SEPARATION OF TIRAN ISSUES FROM OTHER STRAITS ISSUES, THUS FREEING STATES TO SUPPORT UNIMPEDED TRANSIT IN OTHER STRAITS.

(B) A TREND AGAINST COASTAL STATE CONSTRUCTION STANDARDS WITH RESPECT TO VESSEL-SOURCE POLLUTION.

(CL THE OPENING OF A FISHERIES DIALOGUE BASED ON FULL UTILIZATION CONCEPTS WITH KEY COASTAL STATES.

(C) PROMISING TALKS ON SALMON WITH JAPAN, AND TO A LESSER DEGREE WITH PERU, ECUADOR AND OTHER LDC'S ON TUNA, AND WITH CANADA ON ARCTIC POLLUTION.

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(E) THE EMERGENCE OF A GROUP OF ABOUT 30 STATES FROM ALL REGIONS INTERESTED IN ACHIEVING COMPULSORY DISPUTE SETTLEMENT, AND THE INTRODUCTION OF PRELIMINARY DRAFT ARTICLES.

(F) A SUBTLE SHIFT IN THE DIRECTION OF CONSUMER-STATE INTERESTS ON THE QUESTION OF ECONOMIC IMPLICATIONS OF DEEP SEABED MINING AND THE BROADER QUESTION OF ENSURING A WORKABLE SYSTEM.

(G) THE EMERGENCE OF SUPPORT FOR OUR SCIENTIFIC RESEARCH POSITIONS FROM EUROPEAN, AND LANDLOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED STATES.

2. COMMITTEE I (SEABEDS BEYOND THE LIMITS OF NATIONAL JURISDICTION)

A. GENERAL.

(1) THE KEY OBJECTIVE OF THE U.S. DELEGATION IN COMMITTEE I DURING THE CARACAS SESSION WAS TO WIN LDC AGREEMENT ON INCLUDING AN ACCEPTABLE SET OF RULES AND REGULATIONS FOR DEEP SEABED EXPLOITATION IN THE CONVENTION AND TO COMMENCE SUBSTANTIVE NEGOTIATIONS ON THIS ISSUE. IN PRIVATE CONSULTATIONS AT THE BEGINNING OF THE SESSION, HOWEVER, SUBSTANTIAL RESISTANCE (COMMON IN ALL PREVIOUS SESSIONS OF THE SEABED COMMITTEE) TO ANY DISCUSSION WHATSOEVER OF REGULATIONS FOR EXPLOITATION WAS DEMONSTRATED BY LDC LEADERS.

THE APPARENT REASON FOR THIS OPPOSITION WAS TWO-FOLD:

A) MOST DEVELOPING COUNTRIES EXPRESSED THE VIEW THAT SUCH A DISCUSSION WOULD INEVITABLY PLACE THEM AT A DISADVANTAGE SINCE

THEY HAD NO TECHNICAL EXPERTISE--THE DEVELOPED COUNTRIES,
THEN, WOULD BE ABLE TO DOMINATE THE NEGOTIATION; B) EFFORTS TO TIE
DOWN THE AUTHORITY'S

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R 301530Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5674

C O N F I D E N T I A L SECTION 3 OF 11 CARACAS 8511

FROM USDEL LOS

DEPARTMENT POUCH USUN, US MISSION GENEVA, AND ALL U.S.
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POWERS THROUGH DETAILED RULES AND REGULATIONS WOULD UNDERCUT THE
PREVAILING LDC POSITION THAT THE AUTHORITY SHOULD HAVE TOTAL CONTROL
OVER ALL ACTIVITIES RELATED TO MINERAL RECOVERY FROM THE DEEP
SEABED.

(2) THE U.S. DELEGATION ENCOURAGED DISCUSSION BY IDENTIFYING,
AMONG OTHER ACTIONS, THE DETAILED REGULATORY PROVISIONS THAT COULD
BE INCLUDED IN THE TREATY ITSELF. AN IMMEDIATE TACTICAL REACTION
TO THIS APPROACH WAS PRESSURE ON THE PART OF LDC LAND-BASED

PRODUCING COUNTRIES FOR THE INCLUSION OF ECONOMIC IMPLICATIONS AS A HIGH PRIORITY ITEM ON THE COMMITTEE'S WORK PROGRAM. ANOTHER REACTION EXPRESSED PRIVATELY BY SEVERAL KEY LDC LEADERS, WAS TO LINK AN UNYIELDING U.S. POSITION IN COMMITTEE I TO CONTINUED
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LDC PRESSURE ON COMMITTEE II ISSUES, SUCH AS STRAITS AND THE ECONOMIC ZONE. THESE OVERTURES MAY VERY WELL BE TACTICAL ATTEMPTS TO BRING PRESSURE ON DEFENSE ISSUES IN THE HOPES OF GAINING MORE CONCESSIONS ON ECONOMIC ISSUES FROM THE U.S. IN COMMITTEE I. IN ADDITION THERE WAS A CONCERTED MOVE ON THE PART OF LATIN AMERICAN DELEGATIONS EARLY IN THE SESSION TO EXPAND THE FUNCTIONS OF THE AUTHORITY TO INCLUDE ACTIVITIES IN THE WATER COLUMN ABOVE THE DEEP SEABED, WHICH WAS EXPLAINED TO THE U.S. PRIVATELY AS AN ATTEMPT TO PLACE PRESSURE ON THE U.S. THROUGH COMMITTEE I TO BE MORE FLEXIBLE ON ECONOMIC ZONE ISSUES. THE ISSUE WAS ALSO RAISED IN COMMITTEES II AND III.

B. EXPLOITATION SYSTEM.

(1) AS IN OTHER AREAS OF THE LAW OF THE SEA NEGOTIATION, THE LDC'S IN COMMITTEE I ATTACH IMPORTANCE TO A WIDELY RATIFIED AGREEMENT ON THE CONCEPTUAL OUTLINES OF THEIR APPROACH. IN THIS CASE, THEY HAVE STRONGLY RESISTED ANY ATTEMPTS TO WORK OUT THE DETAILS

OF HOW THE EXPLOITATION SYSTEM WOULD OPERATE BEFORE THE INDUSTRIALIZED COUNTRIES CONCEDE THAT THE AUTHORITY WILL BE EMPOWERED TO ENGAGE IN DIRECT EXPLOITATION. ALTHOUGH THE PRACTICAL EFFECT OF THE NEW GROUP OF 77 TEXT FOR ARTICLE 9 IS IDENTICAL TO THAT OF THE ORIGINAL ENTERPRISE PROPOSAL--THE AUTHORITY ITSELF HAS COMPLETE DISCRETION TO DECIDE BY WHOM AND HOW EXPLOITATION WILL OCCUR--THE IMPACT OF THE DISCUSSION OF THE NEW TEXT MAY BE SUBTLY SHIFTING THE FOCUS OF THE NEGOTIATION AWAY FROM THE ISSUE OF DIRECT EXPLOITATION TO THE MEANING OF THE PHRASE "DIRECT AND EFFECTIVE CONTROL." ALTHOUGH THE ISSUE OF DIRECT EXPLOITATION IS STILL OF CRITICAL IMPORTANCE TO THE LDC'S (AND THE U.S. HAS CLEARLY INDICATED ITS OPPOSITION TO THE CONCEPT), THIS SHIFT IN EMPHASIS TOWARDS DISCUSSING THE MEANING OF CONTROL MAY HAVE THE BENEFICIAL EFFECT OF DIRECTING THE DISCUSSION TO THE OBLIGATIONS TO BE IMPOSED UPON THE AUTHORITY IN EXERCISING ITS POWERS, WHILE AT THE SAME TIME AVOIDING A CONFRONTATION WITH THE GROUP OF 77 ON THE ISSUE OF DIRECT EXPLOITATION.

(2) WHILE THE QUESTION OF THE EXTENT OF THE AUTHORITY'S CONTROL OVER SEABED EXPLOITATION CAN PRACTICALLY BE HANDLED IN THE CONDITIONS OF EXPLOITATION, LDC REPRESENTATIVES DURING THE CARACAS SESSION INSISTED THAT IT MUST BE ADDRESSED IN ARTICLE 9 ITSELF.
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THUS, THEY CONTINUED TO SUPPORT A DIRECT REFERENCE TO SERVICE CONTRACTS AND CONTRACTS OF ASSOCIATION, RATHER THAN ACCEPT THE U.S. PROPOSAL FOR USING THE NEUTRAL TERM "LEGAL ARRANGEMENTS." (THE PROBABLE REASON FOR THEIR REFUSAL TO USE THE NEUTRAL TERM IS THAT THEY BELIEVE IT MEANS "LICENSING", A TERM WHICH THEY HAVE REJECTED AND WHICH WE AVOID IN ANY CASE.) WE WERE UNABLE TO EXPLORE IN DETAIL WHETHER A SINGLE, MORE ATTRACTIVE FORM OF THE LEGAL RELATIONSHIP BETWEEN THE AUTHORITY AND THE OPERATOR COULD BRIDGE THE CONCEPTUAL GAP BETWEEN THE U.S. AND GROUP OF 77 POSITIONS BECAUSE SERIOUS DETAILED DISCUSSION DID NOT BEGIN BEFORE THE LAST DAYS OF THE SESSION.

(3) DISCUSSIONS IN THE NEGOTIATING GROUP TEND TO CONFIRM THAT OUR MOST SERIOUS DIFFICULTY IS CONCEPTUAL IN NATURE. U.S. AGREEMENT TO BASE DISCUSSIONS ON THE GROUP OF 77 TEXT WHILE DISCUSSING OTHER TEXTS WHERE RELEVANT ELICITED FORTHCOMING RESPONSES ON THE PART OF SEVERAL MODERATE LDC'S, WHO WERE WILLING TO AGREE THAT THE AUTHORITY MUST PERMIT PRIVATE ENTITIES TO EXPLOIT THE SEABED SUBJECT TO BASIC CONDITIONS LAID DOWN IN THE TREATY, PROVIDED THE AUTHORITY WAS EMPOWERED TO DIRECTLY EXPLOIT. THEY ALSO LINK WILLINGNESS TO PERMIT PRIVATE ENTITIES TO EXPLOIT TO "DIRECT AND EFFECTIVE" CONTROL BY THE AUTHORITY. SUCH A POSITION, ALTHOUGH UNACCEPTABLE TO THE U.S. GIVEN THE PRESENT DEFINITION OF THE TERM "DIRECT EXPLOITATION", REPRESENTS A PROMISING DEVELOPMENT IN LDC THINKING.

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FM AMEMBASSY CARACAS
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C O N F I D E N T I A L SECTION 4 OF 11 CARACAS 8511

FROM USDEL

DEPARTMENT POUCH USUN, US MISSION GENEVA, AND ALL U.S.
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(4) THE VERY FACT THAT THE GROUP OF 77 COULD CALL FOR DIRECT NEGOTIATION ON ARTICLE 9 INDICATED A SUBSTANTIAL DEFEAT FOR THE HANDFUL OF LDC LAND-BASED PRODUCERS AND OTHER EXTREMISTS, LED BY PERU, THAT HAD SUCCESSFULLY OBSTRUCTED SERIOUS DISCUSSIONS ON COMMITTEE I ISSUES DURING THE ENTIRE LIFE OF THE SEABED COMMITTEE. MOREOVER, FROM THE VERY BEGINNING OF THE CARACAS SESSION, PERU AND SEVERAL OTHER DELEGATIONS LOBBIED FOR AN INDICATIVE VOTE ON ARTICLE 9 THAT WOULD DEMONSTRATE THE EXTENT TO WHICH THE INDUSTRIALIZED COUNTRIES WERE OUT-NUMBERED. MODERATE FORCES WITHIN THE GROUP OF 77, AND CONTINUED PRESSURE BY THE U.S. TO COMMENCE SERIOUS NEGOTIATIONS, EFFECTIVELY KEPT THIS MOVEMENT UNDER CONTROL.

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C. CONDITIONS OF EXPLOITATION (RULES AND REGULATIONS)

(1) AT THE TIME THE INFORMAL COMMITTEE MOVED TO THE ISSUE OF CONDITIONS FOR EXPLOITATION, THE GROUP OF 77 WOULD NOT PARTICIPATE BUT WISHED TO QUICKLY CUT OFF DISCUSSION AND MOVE FORWARD TO NEGOTIATE ON ARTICLE 9. AFTER INTENSIVE BEHIND-THE-SCENES WORK TO EMPHASIZE OUR INFLEXIBILITY ON THIS POINT, THE STRONG U.S. STATEMENT ON CONDITIONS OF EXPLOITATION ELICITED AN IMMEDIATE CONCESSION FROM THE GROUP OF 77. ALTHOUGH THE GROUP OF 77 PROPOSAL ON BASIC CONDITIONS GRANTS TOTAL DISCRETION TO THE AUTHORITY, IT NEVERTHELESS CONTAINS SEVERAL CONCILIATORY ELEMENTS, SUCH AS A STATEMENT IN PRINCIPLE ON SECURITY OF TENURE, A PRIORITY RIGHT FOR ENTITIES TO MOVE FROM EXPLORATION TO EXPLOITATION, AND SELECTION AMONG APPLICANTS ON A COMPETITIVE BASIS. IT CONSTITUTED A SIGNIFICANT STEP IN MORE CLEARLY DELINEATING THE DIFFERENCES BETWEEN THE U.S. AND LDC POSITIONS ON DISCRETION IN THE AUTHORITY. MOST IMPORTANTLY, ITS VERY INTRODUCTION INTO THE RECORDS OF COMMITTEE I REPRESENTS A COMMITMENT THAT THE BASIC CONDITIONS WILL BE INCLUDED IN THE CONVENTION.

(2) THE INTRODUCTION OF THE U.S. DRAFT RULES AND REGULATIONS PROVIDED A BASIS FOR OUR EXPLANATION OF THEIR NECESSITY. THEIR INTRODUCTION ALSO SERVED TO HIGHLIGHT THE WIDE DIVERGENCE IN POSITIONS BETWEEN THE U.S. AND SOME OTHER DELEGATIONS. THE DRAFT WAS STRONGLY CRITICIZED BY LDC'S, AND DAMAGING OPPOSITION CAME FROM NORWAY, WHICH SUPPORTED THE GROUP OF 77 DRAFT AND DECLARED THE U.S. APPROACH "ARCHAIC". MOREOVER, THE SUBSTANTIAL DIFFERENCE IN BLOCK SIZE FIGURES APPEARING IN THE U.S., EUROPEAN COMMUNITY (WITH THE EXCEPTION OF IRELAND) AND JAPANESE DRAFTS HAS BEEN USED BY OTHER DELEGATIONS TO JUSTIFY THEIR VIEW THAT DETAILED REGULATIONS ARE TOO TECHNICAL TO BE INCLUDED IN THE TREATY AND MIGHT UNDULY RESTRICT THE AUTHORITY IN CARRYING OUT ITS RESOURCE MANAGEMENT FUNCTIONS.

(3) U.S. INSISTENCE ON THE NEGOTIATION OF DETAILED RULES AND REGULATIONS, WHICH THE LDC'S REGARD AS NONNEGOTIABLE IN BOTH CONCEPT AND CONTENT, MAY RESULT IN SEVERAL COSTS. FIRST THE GROUP OF 77 TEXT WAS INTRODUCED AS A NEGOTIATING DOCUMENT, INDICATING THEIR BELIEF THAT THE U.S. DRAFTS MUST BE VIEWED SIMILARLY. IN ESSENCE, THEN, WE MAY HAVE REACHED AGREEMENT ON INCLUSION OF BASIC CONDITIONS AT THE COST OF SETTING UP A FUTURE NEGOTIATION ON THE EXTENT

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TO WHICH THE DISCRETION OF THE AUTHORITY WILL BE LIMITED. SECOND, STATEMENTS BY LDC DELEGATIONS INDICATE THAT AGREEMENT TO INCLUDE BASIC CONDITIONS WILL BE COUPLED WITH RENEWED INFLEXIBILITY ON QUESTIONS INVOLVING THE INTERNATIONAL MACHINERY, PARTICULARLY DECISION-MAKING IN THE COUNCIL. IN THEIR VIEW, THE INDUSTRIALIZED COUNTRIES CANNOT EXPECT TO ACHIEVE A DOUBLE SET OF SAFEGUARDS THROUGH BOTH THE INCLUSION OF REGULATIONS IN THE TREATY AND WEIGHTED VOTING IN THE COUNCIL. IN ITS FINAL FORMAL STATEMENT TO COMMITTEE I, THE U.S. DELEGATION ATTEMPTED TO COUNTER THE LATTER TREND BY REEMPHASIZING THE IMPORTANCE OF PROCEDURAL SAFEGUARDS IN THE STRUCTURE OF THE AUTHORITY.

D. ECONOMIC IMPLICATIONS

(1) ALTHOUGH THE HIGH PROFILE GIVEN THE ISSUE OF ECONOMIC IMPLICATIONS DURING THIS SESSION WAS INITIALLY VIEWED AS BEING DETRIMENTAL TO THE U.S. POLICY IN OPPOSITION TO PRICE AND PRODUCTION CONTROLS, THE OUTCOME OF THESE DISCUSSIONS SEEMS TO HAVE RESULTED IN A GREATER AWARENESS OF THE CONSUMER INTERESTS OF LDC'S. NEVERTHELESS, THERE IS STILL A SUBSTANTIAL MAJORITY FAVORING GIVING SOME POWER TO THE AUTHORITY REGARDING PRODUCTION OR PRICE CONTROLS TO "PROTECT" LDC LAND-BASED PRODUCERS WITHOUT GIVING DEVELOPED COUNTRIES EFFECTIVE VOTING PROTECTION. WHILE THE ISSUE WILL ARISE AGAIN AT THE NEXT SESSION OF THE CONFERENCE, THE U.S. MAY NOW BE IN A BETTER POSITION TO DEAL WITH THIS QUESTION BY A SIMPLE REVIEW MECHANISM. A FEW DEVELOPING COUNTRIES HAVE REFERRED TO THE IDEA OF BALANCING THE REPRESENTATION OF CONSUMER AND PRODUCER INTERESTS IN SUCH A MECHANISM.

E. RELATIONS WITH THE GROUP OF FIVE (FRANCE, JAPAN, USSR, UK, US)

(1) ALTHOUGH THE GROUP OF FIVE IN COMMITTEE I FUNCTIONED FAIRLY EFFECTIVELY ON TACTICAL ISSUES DURING THE CARACAS SESSION, THE OVERALL COHESIVENESS OF THE GROUP APPEARED TO WEAKEN. IN PART, IT WAS DIFFICULT TO

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C O N F I D E N T I A L SECTION 5 OF 11 CARACAS 8511

FROM USDEL LOS

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EMBASSIES EXCEPT CARACAS

MAINTAIN SUBSTANTIVE SOLIDARITY IN THE FACE OF U.S.M ISOLATION ON THE QUOTA ISSUE (ALL OTHER MEMBERS OF THE GROUP HAVE PUBLICLY AND EXPLICITLY SUPPORTED SOME LIMITATION ON THE NUMBER OF MINE SITES ALLOWED ANY ONE ENTITY). MOREOVER, THE OTHER MEMBERS OF THE GROUP OF FIVE WERE LESS WILLING THAN THE U.S. TO ENGAGE IN THE TYPE

OF COSMETIC CONCESSIONS ON ARTICLE 9 WHICH WE BELIEVE MAY BE NECESSARY TO PROTECT OUR SUBSTANTIVE INTERESTS IN THE NEGOTIATION. IN THEIR VIEW, THEY ARE OUR PROSPECTIVE COMPETITORS FOR MINE SITES, AND CONSIDERING THAT THEY LAG BEHIND US IN SEABED TECHNOLOGY, THEY HAVE MORE OF AN INTEREST IN PRESERVING THEIR RIGHTS AS STATES TO ACCESS SUCH AS THROUGH A QUOTA SYSTEM. THIS IS PARTICULARLY TRUE OF FRANCE AND THE U.S.S.R. BOTH OF WHOM USE STATE ENTERPRISES IN RESPECT OF DEEP OCEAN MINING. CONSEQUENTLY, CONFIDENTIAL

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THEY APPEAR MORE WILLING TO EVENTUALLY COMPROMISE ON ISSUES OF OVERRIDING IMPORTANCE TO THE U.S., SUCH AS PRODUCTION CONTROLS, WHILE HOLDING OUT ON THE CONCEPTUAL ISSUES.

(2) IN THIS REGARD, WE BELIEVE IT IS VERY LIKELY THAT THE OTHER MEMBERS OF THE GROUP ARE PROTECTING A FALLBACK OPTION TO A PARALLEL LICENSING DIRECT EXPLOITATION SYSTEM. ALTHOUGH THE U.S.S.R. ANNOUNCED ITS ACCEPTANCE OF SUCH AN APPROACH IN MARCH 1973, THEY HAD SUBSTANTIALLY RETREATED FROM IT AS A RESULT OF GROUP OF FIVE PRESSURE. DURING DISCUSSIONS IN THE NEGOTIATING GROUP ON ARTICLE 9, THE SOVIET REPRESENTATIVE TENTATIVELY OFFERED A REVISED VERSION OF THE GROUP OF 77 TEXT WHICH PLACED EXPLOITATION BY PRIVATE ENTITIES COMPLETELY UNDER THE DISCRETION OF THE AUTHORITY, WHILE PRESERVING ONLY FOR SOCIALIST STATES FREEDOM OF ACCESS TO SEABED MINERALS. IN THEIR ORAL EXPLANATION, OFF THE RECORD, THEY INDICATED THAT THEY COULD ACCEPT SIMILAR FREEDOM OF ACCESS FOR STATES WHO USE STATE ENTERPRISES FOR EXPLOITATION. WE SUSPECT THIS PROPOSAL WAS MOTIVATED A) BY A DESIRE TO PREVENT THE U.S. FROM APPEARING MORE ACCOMMODATING TO THE LDC'S THAN THE U.S.S.R.; B) A DESIRE TO STOP THE SERIOUS NEGOTIATIONS THAT COMMENCED IN THE LAST FEW DAYS OF THE SESSION; AND C) A DESIRE TO PREVENT THE U.S. FROM NEGOTIATING AN ARRANGEMENT WITH LDC'S THAT PROTECTS PRIVATE COMPANIES BUT MAY GIVE SHORT SHRIFT TO STATE COMPANIES. WHILE KEY LDC LEADERS RECOGNIZE THAT THEY MUST NEGOTIATE PRINCIPALLY WITH THE U.S., WHICH POSSESSES DEEP SEABED TECHNOLOGY, THE LAST-MINUTE U.S.S.R. TACTIC HAS DAMAGED OUR POSITION IN THE COMMITTEE.

(3) WHILE WE DID NOT PUBLICLY, OR PRIVATELY WITHIN THE GROUP OF FIVE, DISCUSS MACHINERY ISSUES IN CARACAS, THERE ARE SOME INDICATIONS THAT AT LEAST THE U.K., FRANCE AND JAPAN MAY BECOME MORE FLEXIBLE ON THE QUESTION OF COUNCIL VOTING ARRANGEMENTS THAN THE U.S. ANTICIPATES. IN ITS GENERAL DEBATE STATEMENT, THE U.K., INDICATED IT COULD BE FLEXIBLE ON MACHINERY QUESTIONS IF THE BASIC PROBLEM OF ACCESS WAS SATISFACTORILY RESOLVED. IN PREVIOUS CONSULTATIONS, BOTH THE FRENCH AND JAPANESE HAVE EXPRESSED PESSIMISM ON EVER ACHIEVING LDC AGREEMENT ON A COUNCIL FORMULA THAT GIVES THEM PERMANENT REPRESENTATION.

(4) MOREOVER, COOPERATION WITHIN THE GROUP OF FIVE WAS SOMEWHAT

HINDERED DURING THE CARACAS SESSION BY THE MORE ACTIVE ROLE BEING
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PLAYED BY THE EC. IN SEVERAL INSTANCES, THE FRENCH AND BRITISH
PURSUED EC RATHER THAN GROUP OF FIVE SOLIDARITY.

F. EVALUATION

(1) AFTER TEN WEEKS OF PERSUASION AND SEVERAL INCIDENTS OF STRONG
TACTICS, THE U.S. DELEGATION SUCCEEDED IN CONVINCING THE GROUP OF
77 THAT WE SERIOUSLY VIEW THE COMMITTEE I NEGOTIATION AS IMPORTANT TO
OUR NATIONAL INTERESTS. WHETHER REALISTIC OR NOT, THE LDC'S
NOW BELIEVE THEY HAVE MADE A CONCESSION TO THE U.S. BY AGREEING
TO HAVE THE CONDITIONS OF EXPLOITATION INCLUDED IN THE CONVENTION;
THEY ALSO CONTINUE TO STATE PRIVATELY THAT DIRECT EXPLOITATION BY
THE AUTHORITY WILL FAVOR U.S. COMPANIES AND THAT EVENTUALLY WE WILL
REALIZE THIS AND ACCEPT THEIR POSITION. THE SUCCESS OF OUR EFFORTS
TO AVOID VOTING-MAJORITY TACTICS ON THE PART OF THE GROUP OF 77
HAS BEEN DEPENDENT ON THE ABILITY OF MODERATE LDC'S TO
RESTRAIN THEIR MORE EXTREMIST LEADERS. THESE MODERATE LDC'S,
HOWEVER, APPEAR TO PLACE AS MUCH IMPORTANCE AS THE EXTREMISTS ON
THE BROAD, CONCEPTUAL OUTLINES OF THE GROUP OF 77 DEEP SEABED
POSITION.

3. COMMITTEE II

A. TERRITORIAL SEA. THE QUESTION OF THE REGIME OF INNOCENT
PASSAGE IN THE TERRITORIAL SEA GENERALLY HAS CLEARLY BEEN RE-
OPENED. THE U.S. HAS WORKED CLOSELY WITH THE U.K. ON THEIR ARTICLES,
INTENDED TO MAKE INNOCENT PASSAGE MORE OBJECTIVE IN SEEKING A
MORE FAVORABLE REGIME. THE U.K. AND FIJI SEEM CLOSE TO AGREEMENT
ON SINGLE TEXT FORMULATIONS DETAILING WHAT DOES AND DOES NOT
CONSTITUTE INNOCENT PASSAGE. AFRICANS AND OTHERS HAVE INCREASINGLY
TALKED OF UNILATERAL EXTENSIONS OF THE TERRITORIAL SEA BEYOND 12
MILES IF AGREEMENT IS NOT REACHED SOON, AND SOME CLAIMS MAY OCCUR
BEFORE THE NEXT SESSION, PARTICULARLY IF CONGRESS PASSES THE
200-MILE FISHERIES OR DEEP SEABED MINING BILLS. TWO HUNDRED MILES
IS THE FIGURE MOST OFTEN HEARD.

B. CONTIGUOUS ZONE. THE ESTABLISHMENT OF A CONTIGUOUS ZONE
BEYOND 12 MILES IS INCREASINGLY BEING PRESENTED AS A CONDITION
OF AGREEMENT ON A 12-MILE TERRITORIAL SEA. INDIA, WHICH HAS
REPEATEDLY WARNED US THAT THE AFRICANS ARE NOT FIRM ON A 12-
MILE TERRITORIAL SEA FOR HERSELF TO DEAL WITH SMUGGLING PROBLEMS.
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A NUMBER OF ARAB STATES HAVE SIMILAR VIEWS. NIGERIA, AND NOW INDIA AND AFRICANS IN GENERAL, HAVE PROPOSED INCORPORATING THE CONTIGUOUS ZONE CONCEPT INTO THE ECONOMIC ZONE.

C. STRAITS. UNIMPEDED PASSAGE IS IN GENERAL GAINING GROUND.

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FROM USDEL LOS

DEPARTMENT POUCH USUN, USMISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

THIS IS EVEN MORE EVIDENT FROM PRIVATE CONVERSATIONS THAN PUBLIC
DEBATE. OPPOSITION TO SUBMERGED TRANSIT IS SUBSIDING.

(1) ONE DISTURBING DEVELOPMENT WAS THE EFFORT BY PERSIAN
GULF STATES AND OTHERS SUCH AS SPAIN TO DISTINGUISH BETWEEN RIGHTS
ENJOYED BY COMMERCIAL AND MILITARY VESSELS. ANOTHER WAS THE
EFFORT TO REMOVE STRAITS OVERFLIGHT QUESTIONS FROM CONSIDERATION

BY THE CONFERENCE, AND OVERFLIGHT IS LIKELY TO REMAIN THE MOST DIFFICULT ASPECT OF OUR STRAITS OBJECTIVES. U.S.S.R STATEMENTS SUPPORTING OVERFLIGHT ARE LESS THAN FORCEFUL.

(2) U.S. HELD INTENSIVE PRIVATE CONSULTATIONS WITH ISRAEL, EGYPT AND OTHER STATES WITH VIEW TOWARDS AVODIANCE OF CONFIDENTIAL

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DIFFICULTY ON TIRAN QUESTION IN LOS CONFERENCE. IF THESE CONSULTATIONS SUCCEED, AND THE ARCHIPELAGO PROBLEM IS RESOLVED WITH INDONESIA AND OTHERS, IT IS OUR ASSESSMENT THAT MAJOR OBSTACLES TO U.S. STRAITS OBJECTIVES WILL HAVE BEEN REMOVED. THIS IS PARTICULARLY TRUE BECAUSE MOST ARAB STATES DESIRE UNIMPEDED PASSAGE THROUGH HORMUZ AND GIBRALTAR, AND PROBABLY BAB-EL-MANDEB. SOPHISTICATED PARTICIPANTS REALIZE THAT THE U.S. AND U.S.S.R DO NOT PLAN TO BECOME PARTY TO TREATY WITHOUT SATISFACTORY STRAITS SOLUTION, AND U.S. HAS REEMPHASIZED THIS IN NUMEROUS PRIVATE DISCUSSIONS. WITH THIS SOMBER REALIZATION, THE ATTITUDE AMONG PARTICIPANTS NOT DIRECTLY AFFECTED HAS BEEN TO WATCH SILENTLY OR TO USE STRAITS ISSUE AS BARGAINING LEVER, WHILE THOSE MOST DIRECTLY CONCERNED ATTEMPT TO WORK OUT DIFFERENCES. SPAIN CONTINUES TO BE OUR MOST HARD-LINE OPPONENT. PROBLEMS WITH GREECE, DENMARK, SWEDEN, AND FINLAND PERSIST. MALAYSIA SEEMS TO BE SOFTENING ITS OPPOSITION. AT THE SAME TIME, CANADA IS BEGINNING TO GIVE US DIFFICULTY.

D. HIGH SEAS. A DISTURBING TREND WAS OBSERVED AMONG LDCS TO RESIST USE OF THE TERM "HIGH SEAS" FOR THE AREA BETWEEN 12 AND 2000 MILES. THIS ISSUE IS ADDRESSED UNDER THE ECONOMIC ZONE (PART 4G).

E. ACCESS TO THE SEA. WE HAVE PRIVATE REPORTS THAT CONSULTATIONS AMONG LANDLOCKED AND TRANSIT STATES ARE NOT PROGRESSING WELL. THIS MAY BE DUE IN PART TO THE SHARP REACTION OF COASTAL STATES TO THE TOUGH STAND IN THE KAMPALA DECLARATION LAST SPRING BEFORE THE GROUP OF 77 MEETING IN NAIROBI, AND IN PARTICULAR TO DEMANDS FOR ACCESS TO MINERAL RESOURCES IN THE ECONOMIC ZONE.

F. ARCHIPELAGOS. THE U.S. NEGOTIATED ACTIVELY, BUT PRIVATELY, WITH INDONESIA, MAURITIUS, PHILIPPINES, FIJI AND THE BAHAMAS, BUT VERY LITTLE PROGRESS WAS MADE WITH THE PHILIPPINES. WE SEEM TO BE CLOSE TO AGREEMENT, HOWEVER, ON OBJECTIVE DEFINITIONAL REQUIREMENT FOR ARCHIPELAGO STATES WITH ARCHIPELAGO STATES, INCLUDING THE PHILIPPINES. DIFFERENCES REMAIN ON THE PASSAGE REGIME WITHIN ARCHIPELAGIC SEALANES AND ON THE MODALITIES OF SUPPORT FOR U.S. STRAITS OBJECTIVES, ALTHOUGH THE BAHAMAS APPARENTLY HAS A LESS RESTRICTIVE OUTLOOK ON NAVIGATIONAL ISSUES THAN OTHER ARCHIPELAGIC STATES. MAURITIUS HAS INDICATED
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THAT IT WILL GAIN MORE FROM A 200-MILE ECONOMIC ZONE AND CONTINENTAL MARGIN THAN AN ARCHIPELAGO CLAIM, BUT IS HEDGING ITS BETS FOR THE TIME BEING. THE U.S. HAS HAD MEANINGFUL RESULTS THUS FAR WITH BAHAMAS, FIJI, AND INDONESIA, AND THE QUESTION OF TIMING WEIGHS HEAVILY IN FURTHER PROGRESS. DESPITE U.S., INDONESIAN, AND FIJI EFFORTS, THE PHILIPPINES HAS NOT MOVED AT THIS SESSION.

G. ECONOMIC ZONE AND CONTINENTAL SHELF. 1. THE GENERAL NEGOTIATIONS HAVE PROCEEDED TO THE POINT WHERE THE REAL ISSUES BEING FACED ARE FAIRLY REFINED AND OUT ON THE TABLE, AS INDICATED IN THE UNCLASSIFIED REPORT. INsofar AS U.S. NON-RESOURCE INTERESTS ARE CONCERNED, FREEDOM OF NAVIGATION AND OVERFLIGHT SEEM ALL BUT AGREED. THE MAJOR NON-RESOURCE PROBLEMS CONCERN THE INTER-RELATED ISSUES OF THE JURIDICAL STATUS OF THE ZONE -- I.E., RETENTION OF RIGHTS NOT GRANTED TO THE COASTAL STATE -- AND MILITARY INSTALLATIONS, AS WELL AS APPLICATION OF COMPULSORY DISPUTE SETTLEMENT TO THE ECONOMIC ZONE IN ORDER TO PREVENT INTERFERENCE OR CLAIMS OVER NAVIGATION AND OTHER USES. ON THE OTHER HAND, THE LIKELIHOOD OF UNILATERAL TERRITORIAL SEA CLAIMS, PERHAPS BEFORE THE NEXT SESSION, AND IN ANY EVENT IF AGREEMENT IS NOT REACHED IN 1975, SEEMS GREATER, PARTICULARLY IN AFRICA. WITH RESPECT TO GENERAL LIMITATIONS ON RESOURCE JURISDICTION, PREVENTION OF UNJUSTIFIABLE INTERFERENCE WITH NAVIGATION, ETC., SEEMS WIDELY ACCEPTED, ALTHOUGH ADHERENCE TO INTERNATIONAL STANDARDS FOR THIS PURPOSE IS MORE PROBLEMATIC. AN OBLIGATION TO PREVENT POLLUTION FROM SEABED ACTIVITIES AND INSTALLATIONS UNDER COASTAL STATE JURISDICTION HAS RECEIVED LESS SUPPORT, AS HAD MANDATORY ADHERENCE TO INTERNATIONAL STANDARDS FOR THIS PURPOSE.

(2) THE JURIDICAL EXPERTS (EVENSEN) GROUP HAS ESSENTIALLY LAID OUT THREE ALTERNATIVE TEXTS ON ECONOMIC ZONE ISSUES, WHICH ARE SOMEWHAT CLOSER TOGETHER THAN THE COMMITTEE 11 TEXTS. NEGOTIATION AND REDUCTION OF ALTERNATIVES SHOULD NOW PROCEED IN EARNEST AT ITS LATE OCTOBER MEETING. HOWEVER, THERE ARE TWO PROBLEMS. FIRST, POSITIONS MAY NOT BE REVIEWED AND MADE MORE FLEXIBLE BY OCTOBER. SECOND, THE AFRICANS REMAIN RELUCTANT TO USE THE EVENSEN GROUP AS A NEGOTIATING GROUP, ALTHOUGH TANZANIA TELLS US IT WILL PARTICIPATE.

(3) U.S. PRIVATE CONSULTATIONS WITH THE "COASTAL STATE GROUP". HAVE PROCEEDED WELL. THE GROUP SEEMS TO BE UNDECIDED WHETHER

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AND WHEN TO MOVE INTO A CLOSER RELATIONSHIP AND HARMONIZATION OF POSITIONS WITH THE U.S., OR BRING IN THE SOVIETS AND OTHERS

FOR WIDER NEGOTIATION, OR BOTH. THE POTENTIAL FOR A PRODUCTIVE RELATIONSHIP BETWEEN THE U.S. AND THE GROUP IS CLEAR TO ALL, WITH MANY MEMBERS REPEATEDLY REMARKING THAT WE ARE NOT THAT FAR APART. ADDITIONAL PRIVATE U.S. CONSULTATIONS WITH SELECTED GROUP MEMBERS FAVORING CONTINENTAL MARGIN JURISDICTION BEYOND 200 MILES HAVE HELPED TO PROMOTE AN ATMOSPHERE OF INCREASED CONFIDENCE. IN TAKING THESE STEPS, THE U.S. HAS CONTINUED TO URGE THE NEED FOR ACCOMMODATION OF MARITIME INTERESTS, LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED COUNTRIES, AND DISTANT WATER FISHING.

(4) WITHIN THE GROUP OF 5, THE DIVISIONS ON FISHERIES REMAIN SUBSTANTIAL. THE U.S. AND UK. ARE THE MOST COASTALLY ORIENTED. JAPAN AND FRANCE FAVOR STRONG INTERNATIONAL RESTRAINTS, AND THE USSR IS SOMEWHERE IN BETWEEN. THERE ARE OF COURSE PERMUTATIONS. ALL EXCEPT JAPAN FAVOR STATE-OF-ORIGIN CONTROL OF SALMON. THE U.S., FRANCE AND JAPAN FAVOR SPECIAL TREATMENT OF TUNA, AND THE OTHERS ARE GOING ALONG.

(5) THE FOLLOWING DEVELOPMENTS OCCURRED IN SEQUENCE, AND THE REASONS FOR THESE DEVELOPMENTS ARE PROBABLY BROADER THAN JUST SPECIFIC FISHERIES CONCERNS:

(A) THE USSR AND EAST EUROPEANS MADE THEIR OWN ECONOMIC ZONE PROPOSAL WITHOUT PRIOR CONSULTATION;

(B) THE EEC STATES (MINUS THE U.K.) MADE THEIR OWN FISHING PROPOSAL, WHICH EMPHASIZED RESTRAINTS ON COASTAL STATES;

(C) THE U.S. MADE AN ECONOMIC ZONE PROPOSAL STRUCTURED ALONG THE LINES OF THE COASTAL STATE GROUP PAPER, BUT BASED ON GROUP OF 5 CONSULTATIONS.

THE RECEPTION GIVEN THE U.S., AND TO A LESSER DEGREE, SOVIET PROPOSALS, WAS RELATIVELY WARM; THE EEC PROPOSAL WAS NOT WELL RECEIVED.

(6) OUR OWN TACTICAL POSITION NOW IS ONE OF HAVING DEVELOPED

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FROM USDEL LOS

DEPARTMENT POUCH USUN, USMISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

TIES WITH BOTH SIDES, AS WELL AS CLOSE RELATIONS WITH THE LAND-
LOCKED AND SHELF-LOCKED STATES. THE QUESTION WE WILL FACE IS THE
DEGREE TO WHICH, ON RESOURCE QUESTIONS, WE WISH TO ASSUME A RE-
STRAINING ROLE WITHIN A COASTALLY ORIENTED GROUP, OR A COASTAL
ROLE AMONG A GROUP THAT HAS FUNDAMENTAL DIFFICULTIES WITH COASTAL

STATE JURISDICTION. THE SHIFT AWAY FROM EMPHASIS ON THE LATTER
GROUP SEEMS, AT LEAST PSYCHOLOGICALLY, TO HAVE BEEN WELL RECEIVED,
BUT HAS GREATLY INTENSIFIED THE PRESSURES ON US FROM U.S.TUNA
AND SHRIMP FISHERMEN. AT THE SAME TIME, U.S. COASTAL FISHERMEN
SEEM SO SURE OF GETTING WHAT THEY WANT THAT THEY SEE LITTLE POINT IN
ANTAGONIZING US DISTANT WATER FISHERMEN BY ATTEMPTING TO BALANCE
THOSE PRESSURES.

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(7) A FULL REVIEW OF THE PROBLEM OF ISLANDS UNDER FOREIGN
DOMINATION AND CONTROL WILL BE REQUIRED, AS DEVELOPING COUNTRIES
HAVE MADE WIDELY CO-SPONSORED PROPOSALS ON THE ISSUE; THE SOVIETS
JOINED THE TREND FOR GOOD MEASURE.

(II) FISHERIES. (1) ALTHOUGH THERE WAS NOT DETAILED, IN-DEPTH
NEGOTIATION OF THE FISHERIES ISSUE AT THIS SESSION AS WE HAD
HOPED, SEVERAL TRENDS EMERGED. THERE WAS DEFINITIVE MOVE, LED BY THE
TERRITORIALISTS SUCH AS PERU, ECUADOR AND BRAZIL AND SUPPORTED BY
OTHER LDCS, TOWARD MORE COMPREHENSIVE COASTAL STATE JURISDICTION
IN THE 200-MILE ECONOMIC ZONE. IN THIS REGARD, CONCEPTS SUCH AS
FULL UTILIZATION AND INTERNATIONAL REGULATION OF TUNA CAME UNDER

ATTACK, SINCE THEY WERE VIEWED AS A DILUTION OF COASTAL STATE SOVEREIGN RIGHTS. COUPLED WITH THE MOVE TOWARD MORE COMPLETE SOVEREIGNTY IN THE ZONE, THERE WAS A PUSH TOWARD SOME FORM OF INTERNATIONAL REGULATION OVER ACTIVITIES, PARTICULARLY FISHING, IN THE WATER COLUMN BEYOND THE ECONOMIC ZONE.

(2) IN GENERAL, PUBLIC DEBATE WAS LIMITED TO DISCUSSIONS OF COASTAL STATES' COMPETENCES IN THE ZONE, RATHER THAN A DETAILED EXAMINATION OF THEIR ISSUES. THIS ATTITUDE CARRIED OVER INTO PRIVATE NEGOTIATIONS, AND THERE SEEMED TO BE A GENERAL UNWILLINGNESS TO NEGOTIATE ON THE SUBSTANTIVE ISSUES. THE U.S. ATTEMPTED TO OPEN SUBSTANTIVE TALKS IN A VARIETY OF FORUMS INCLUDING EXTENSIVE BILATERAL DISCUSSIONS.

(3) WHILE THE PUBLIC DEBATE DWELT LARGELY ON CONCEPTUAL ARGUMENTS, SOME PRIVATE DISCUSSIONS DID FOCUS ON THE U.S. POSITION AS OUTLINED IN L.47 AND TENDED TO REVEAL MORE FLEXIBILITY. THE SPECIFIC PROBLEMS RAISED WITH THE US APPROACH WERE ESSENTIALLY THREE:

A) CONCERN THAT RIGID OBLIGATIONS COUPLED WITH DISPUTE SETTLEMENT WILL INTERFERE WITH COASTAL STATE MANAGEMENT FLEXIBILITY. WE HAVE SAID THIS CAN BE WORKED OUT, AND THAT WE AGREE THAT REASONABLE FLEXIBILITY COUPLED WITH ASSURANCES AGAINST ARBITRARINESS IS THE DESIRED OBJECTIVE.

B) THE DESIRE TO PROMOTE ASSISTANCE OR INVESTMENT IN COASTAL STATE FISHERIES DEVELOPMENT IN CONNECTION WITH THE GRANTING OF ACCESS. WHILE NOTING THAT THE COASTAL STATE RIGHT UNDER OUR PROPOSAL TO GUARANTEE A SHARE OF THE CATCH TO COASTAL STATE

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VESSELS IS A GREAT STIMULUS TO INVESTMENT, WE HAVE AGREED TO STUDY THE QUESTION FURTHER.

C) THE DESIRE TO ENSURE EFFECTIVE COASTAL STATE FISHERIES ENFORCEMENT JURISDICTION. THE ESSENTIAL PROBLEM HERE IS AGAIN ONE OF ARBITRARINESS, AND QUESTIONS SUCH AS ENFORCEMENT GUIDELINES, PROHIBITIONS ON IMPRISONMENT, AND RELEASE UPON REASONABLE BOND OR OTHER SECURITY ARE BEING EXAMINED.

(4) OUR INFORMAL DISCUSSIONS WITH THE COASTAL STATE GROUP, PARTICULARLY INDIA, THUS REVEAL NEW TENTATIVE FLEXIBILITY. THE STRONGEST OPPOSITION IS TO OUR ENFORCEMENT PROPOSALS, WITH THE COASTAL STATES DEMANDING COMPLETE ENFORCEMENT POWERS, INCLUDING TRIAL AND PUNISHMENT, NOT JUST INSPECTION AND ARREST. THE COASTAL STATES REMAIN OPPOSED TO A "STRICT DUTY" ON FULL UTILIZATION, BUT ARE BEGINNING TO DISCUSS THE MODALITIES AND APPLICATION OF THE PRINCIPLE SERIOUSLY WITH US. HOWEVER, TANZANIA'S CONCEPTUAL OBJECTIONS TO DUTIES CONTINUE TO HAVE CONSIDERABLE RESTRAINING INFLUENCES ON THE AFRICANS.

(5) PRIVATE TALKS WERE HELD INDIVIDUALLY WITH PERU, ECUADOR, MEXICO, AND COSTA RICA ON THE TUNA PROBLEM. PERU AND ECUADOR DISPLAYED INTRANSIGENCE ON THE QUESTION OF SOVEREIGNTY, AND

STATED FLATLY THAT THE CONCEPT OF SOVERIGNTY OVER RESOURCES RATHER OVER THE ZONE ITSELF WAS UNACCEPTABLE TO THEM. ON THE DETAILS OF FISHERIES MANAGEMENT, THEY INDICATED MORE FLEXIBILITY, BUT THEIR ACCEPTANCE OF ANY SYSTEM WILL DEPEND ON THE SOVERIGNTY ISSUE. MEXICO, WHILE HAVING CONSIDERABLY MORE FLEXIBILITY ON THE SOVERIGNTY QUESTION, IS CONCERNED ABOUT THE DETAILS OF A 200-MILE PATRIMONIAL SEA AND FOR DESIRES A TUNA MANAGEMENT SYSTEM WHICH WILL GIVE SUBSTANTIAL COASTAL STATE PREFERENCES FOR TUNA LOCATED WITHIN THEIR ZONE. THE PRESIDENT OF MEXICO ADDRESSED THE CONFERENCE AND PUBLICLY CALLED FOR AN IMMEDIATE RENEGOTIATION OF THE INTER-AMERICAN TROPICAL TUNA CONVENTION (IATTC), ALTHOUGH PRIVATELY MEXICAN REPRESENTATIVES INDICATED MORE FLEXIBILITY ON THE TIMING OF THIS RENEGOTIATION. COSTA RICA EXPRESSED GENERAL SATISFACTION WITH THE CURRENT IATTC SYSTEM.

(6) A SERIES OF PRIVATE NEGOTIATIONS WERE HELD WITH JAPAN ON THE SALMON ISSUE IN AN ATTEMPT TO REACH AN ACCOMMODATION SATISFACTORY TO BOTH GOVERNMENTS. THE JAPANESE CONSISTENTLY INDICATED THE EXTREME POLITICAL IMPORTANCE OF THIS ISSUE TO THEM, AND THE NEGOTIATIONS WERE DETAILED AND OF A SERIOUS NATURE. THE TALKS WERE ULTIMATELY BROKEN OFF DUE TO THE UNWILLINGNESS OF THE JAPANESE GOVERNMENT TO AGREE ON GENERAL

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LANGUAGE CALLING FOR A BAN ON FISHING FOR SALMON ON THE HIGH SEAS. THIS LANGUAGE HAD BEEN SUBMITTED TO TOKYO BY THE JAPANESE DELEGATION, BUT AFTER RECEIVING INSTRUCTIONS FROM TOKYO, THEY STATED THAT IT WAS POLITICALLY IMPOSSIBLE FOR THEIR GOVERNMENT TO ACCEPT SUCH A PROVISION AT THIS TIME, AND INDICATED A DESIRE TO REOPEN THE DISCUSSION AT A LATER DATE.

ON THE LAST DAY OF THE CONFERENCE, THE CHAIRMAN OF THE JAPANESE DELEGATION ADVISED THE CHAIRMAN OF THE U.S. DELEGATION THAT TOKYO WISHED TO REOPEN THESE DISCUSSIONS PROMPTLY.

(III) CONTINENTAL SHELF (1) THE CONFERENCE CONCLUDED WITHOUT SIGNIFICANT PROGRESS IN RECONCILING DIFFERENCES

BETWEEN BROAD MARGIN STATES, WHICH ARE SEEKING JURISDICTION OVER CONTINENTAL SHELF/MARGIN RESOURCES BEYOND 200 MILES, AND THOSE STATES ADVOCATING STRICT 200 MILE BOUNDARY.

(2) HARD-LINE AFRICAN AND LANDLOCKED OPPOSITION TO JURISDICTION OVER RESOURCES BEYOND 200 MILES COULD ULTIMATELY BLOCK CONFERENCE

-&433.3,5 9, 5#8 8 73. KENYA AND OTHER AFRICAN STATES HAVE PRIVATELY INDICATED A WILLINGNESS TO CONSIDER ACCOMMODATION BASED ON REVENUE-SHARING BEYOND 200 MILES. NEW ZEALAND HAS ENDORSED THE IDEA. CANADA, WHILE STILL PUBLICLY OPPOSED TO REVENUE SHARING, HAS INDICATED PRIVATELY THAT IT ALSO WILL CONSIDER MOVING IN THIS DIRECTION. CANADA MAY BE INFLUENCED BY WILLINGNESS OF KENYA AND TANZANIA TO WORK WITHIN AFRICAN GROUP FOR REVENUE SHARING. ALTHOUGH BROAD MARGIN STATES RECOGNIZE THAT PRESENT SUPPORT FOR JURISDICTION BEYOND 200 MILES IS INSUFFICIENT TO ACHIEVE CONFERENCE ACCEPTANCE, IT IS BY NO MEANS CLEAR AT THIS POINT THAT THEY WILL ACCEPT REVENUE SHARING TO FACILI-

TATE ACCEPTANCE. AUSTRALIA AND U.K. ARE AMONG FIRM OPPONENTS, WHICH IS A PECULIAR WRINKLE IN THEIR LABOUR GOVERNMENT'S PROFESSED SUPPORT FOR LDCS. ARGENTINA IS FORMALLY OPPOSED, BUT IS INTERESTED IN DISCUSSING THE QUESTION WITH US, AND MADE MODERATING INTERVENTIONS IN THE EVENSEN GROUP. AUSTRALIA HAS PRIVATELY RAISED AN ALTERNATIVE TO REVENUE SHARING OF RELINQUISHING AREAS WITHIN 200

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JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04 DRC-01

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R 301530Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5681

C O N F I D E N T I A L SECTION 8 OF 11 CARACAS 8511

FROM USDEL LOS

DEPARTMENT POUCH USUN, USMISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

MILES IN EXCHANGE FOR ARESA BEYOND 200 MILES.

(3) BROAD MARGIN STATES SHOW NO INCLINATION TO ACCEPT ANYTHING LESS THAN THE CONTINENTAL MARGIN TO THE POINT WHERE IT MEETS THE ABYSSAL PLAIN. IN PRIVATE CONSULTATIONS, UMK., CANADA AND OTHERS HAVE SHOWN STRONG PREFERENCE FOR IMPRECISE DEFINITION OF

COASTAL STATE RIGHTS THROUGHOUT NATURAL PROLONGATION OF COASTAL STATE LAND TERRITORY BEYOND 200 MILES. SOME WOULD SPECIFY THE FOOT OF THE RISE. CONTINUED WORK ON THE ISSUE OF A PRECISE BOUNDARY IS NECESSARY. ONE POSSIBILITY BEING DISCUSSED IS NPC IDEA OF A BOUNDARY COMMISSION THAT REVIEWS AND CERTIFIES COASTAL STATE DEMARCATION.

(4) MAJOR PROBLEMS REMAIN TO BE RESOLVED ON THIS SUBJECT.

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SENEGAL WILL PRESENT THE MARGIN ISSUE TO THE OAU EXPERTS GROUP. UNLESS THEIR PRESENT INFLEXIBLE POSITION IS MODIFIED BEFORE THE FEBRUARY 1975 OAU MEETING, THE AFRICANS ARE UNLIKELY TO BE ABLE TO NEGOTIATE THE QUESTION OF COASTAL STATE RESOURCE JURISDICTION BEYOND 200 MILES AT THE 1975 LOS CONFERENCE SESSION. BROAD MARGIN STATES WILL NEED TO WORK TOGETHER AS CLOSELY AS POSSIBLE IF OBJECTIVES ARE TO BE MET. CANADA AND NEW ZEALAND ARGUED IN PRIVATE MEETING THAT REVENUE CHARING IS PROBABLY A NECESSARY ACCOMMODATION, AND THAT UNLESS THE CHANGE IS TAKEN NOW TO NEGOTIATE, IT MAY BE LOST. ARGENTINA SEEM IMPRESSED, BUT WHILE EXPERIENCED AUSTRALIAN DIPLOMATS MAY ALSO AGREE, THERE IS FIERCE OPPOSITION TO REVENUE SHARING IN CANBERRA.

4. COMMITTEE III

A. MARINE POLLUTION. PUBLIC NEGOTIATIONS PRODUCED LITTLE PROGRESS AS ENTIRE SESSION WAS SPEND REWORKING ARTICLES DRAFTED BY THE SEABED COMMITTEE IN 1973. IT IS LIKELY, HOWEVER, THAT THESE TEXTS ARE NOW IN RELATIVELY FINAL FORM FOR CONVENTION TEXTS. THE MAJOR ISSUE OF CONTROVERSY IN COMMITTEE SESSIONS WAS DEVELOPING COUNTRY DESIRE FOR A DOUBLE STANDARD TO ALLOW THEM TO GIVE NATIONAL DEVELOPMENT POLICIES PRIORITY OVER OBLIGATIONS TO PROTECT MARINE ENVIRONMENT. THE U.S., U.K., AND CERTAIN OTHER DEVELOPED STATES ARGUED STRONGLY AGAINST DOUBLE STANDARD AND MADE PRIVATE DEMARCHES TO INDIA AND OTHER LDC LEADERS ON THE ISSUE. HOWEVER, THERE IS STRONG LDC SUPPORT FOR THESE PROPOSALS AND THEY WILL BE A MAJOR ISSUE AT NEXT SESSION.

(1) LDC COASTAL STATES, LED BY INDIA, BRAZIL, AND KENYA CLEARLY INDICATED EARLY IN SESSION THEIR DESIRE TO MOVE SLOWLY ON POLLUTION ISSUE TO ENSURE THAT POLLUTION QUESTIONS WERE NOT SETTLED BEFORE RESOURCE ISSUES IN ECONOMIC ZONE WERE AGREED. HOWEVER, ASIDE FROM THAT AND DOUBLE STANDARD ISSUE, LDCS WERE LESS COHESIVE THAN BEFORE ON POLLUTION QUESTIONS AND THE GROUP OF 77 FAILED TO AGREE ON A COMMON TEXT IN THEIR AREA DESPITE A SERIES OF LENGTHY MEETINGS. THE MAJOR AREA OF DIS-AGREEMENT CONCERNED COASTAL STATE POWERS TO ESTABLISH VESSEL POLLUTION CONTROL STANDARDS IN ECONOMIC ZONE. THE LATIN AMERICAN GROUP, AUSTRALIA, INDIA, AND OTHERS SAID, PRIVATELY OR PUBLICLY, THAT THEY WOULD NOT PUSH FOR A COASTAL STATE RIGHT TO SET CONSTRUCTION, DESIGN, MANNING, OR EQUIPMENT STANDARDS. INDIA SAID SHE WOULD CONSIDER GIVING UP ALL STANDARD-SETTING RIGHTS BUT WOULD INSIST ON RIGHT TO ENFORCE ALL INTERNATIONAL STANDARDS

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IN THE ENTIRE ECONOMIC ZONE. AT END OF A SERIES OF GROUP OF 77 MEETINGS, AFGHANISTAN INDICATED THAT THERE WAS A POSSIBILITY OF A SETTLEMENT ON VESSEL POLLUTION INVOLVING A DISTINCTION BETWEEN GRANTING RIGHTS TO THE COASTAL STATES TO SET STANDARDS AND RIGHTS TO ENFORCE INTERNATIONAL STANDARDS. OTHER REPORTS FROM MEXICO AND VENEZUELA HOWEVER, INDICATED THAT THERE WAS CONSIDERABLE SUPPORT FOR COASTAL STANDARD-SETTING RIGHTS WITH SOME SUPPORT EVEN FOR COASTAL STATE CONSTRUCTION STANDARDS.

(2) CANADA SUPPORTED IN PUBLIC THE LDC COASTAL STATE PUSH FOR ZONAL RIGHTS AND DID NOT OPPOSE THEM ON THE DOUBLE STANDARD ISSUE. HOWEVER, LATE IN THE SESSION, CANADA REPORTEDLY BEGAN LOSING HER LEADERSHIP ROLE WITH LDCS.

(3) CANADA AND U.S. HAVE ENGAGED IN SERIES OF PRIVATE NEGOTIATIONS ON THE DANGEROUS AND VULNERABLE AREA CONCEPT (E.G., ARCTIC), WHICH ARE CONTINUING. CANADA SHOWED A STRONG DESIRE TO PROTECT THE ARCTIC WITH ADDITIONAL STANDARDS. CANADA IS WILLING TO USE VERY RESTRICTIVE CRITERIA TO CONFINE CONCEPT TO ICE AREAS AND AN INTERNATIONAL PROCESS TO REVIEW STANDARDS. HOWEVER, CANADA HAS NOT INDICATED THE TYPE OF INTERNATIONAL PROCESS TO BE USED AND HAS SUPPORTED A LESS RESTRICTIVE APPROACH FOR DISCHARGE STANDARDS. IN ADDITION, CANADA WANTS COASTAL STATE RIGHT TO IMPLEMENT STANDARDS IMMEDIATELY PENDING INTERNATIONAL REVIEW, HAS BEEN UNCLEAR ON EFFECT OF REVIEW PROCESS, AND HAS SUPPORTED GENERAL ZONAL ENFORCEMENT RIGHTS. CANADA TOLD US THAT ARCTIC PROBLEM COULD BE SOLVED IN MEPC "SPECIAL AREA" PROCESS EXCEPT FOR U.S. OPPOSITION TO ANY INTERNATIONAL APPROACH TO ARCTIC. ON THE OTHER HAND, CANADIANS ALSO SAID THAT THEY HAD DOMESTIC POLITICAL PROBLEMS WITH THE INTERNATIONAL APPROACH AND THUS PREFERRED COASTAL STATE STANDARDS AND A SEPARATE INTERNATIONAL REVIEW PROCESS.

(4) U.S. HAS CONTINUED TO CHAIR GROUP OF 17 CONSULTING GROUP INCLUDING UK., U.S.S.R, FRANCE, JAPAN, NORWAY, SWEDEN, DENMARK, FINLAND, FRG, BELGIUM, BETHERLANDS, ITALY, GREECE, POLAND, GDR, AND BULGARIA. GROUP CONTINUED TO COORDINATE ON TACTICAL QUESTIONS DESPITE POSITIONS RANGING FROM U.K. (NO COASTAL STATE RIGHTS EXCEPT TO ENFORCE INTERNATIONAL STANDARDS IN TERRIROTIAL SEA) TO SWEDEN AND DENMARK (COASTAL ENFORCEMENT AND HIGHER DISCHARGE STANDARDS IN DANGEROUS AND VULNERABLE AREAS) AND NORWAY (200 MILE ZONE FOR COASTAL ENFORCEMENT AND DISCHARGE STANDARD-SETTING). THE GROUP GENERALLY AGREED TO OPPOSE COASTAL STATE STANDARDS IN ZONE AND DOUBLE STANDARD, AND TO

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SUPPORT SHELF STANDARDS, MILITARY EXEMPTION AND ENFORCEMENT SAFE-

GUARDS. HOWEVER, THERE IS STILL COMPLETE OPPOSITION IN THIS GROUP TO U.S. POSITION SUPPORTING PORT STATE STANDARDS, AND SERIOUS DIFFERENCES ON HOW TO APPROACH LDC COASTAL STATES. SOME WANT COASTAL STATE ENFORCEMENT RIGHTS AT LEAST IN A NARROW ZONE; OTHERS WANT ONLY PORT STATE RIGHTS; AND MOST WANT TO AVOID ANY RESULT WHICH WOULD INCLUDE BOTH PORT STATE AND COASTAL STATE ENFORCEMENT. ALSO, DENMARK AND SWEDEN PUSHED STRONGLY FOR RIGHTS TO CONTROL POLLUTION IN STRAITS AGAINST FIRM OPPOSITION OF U.S. AND OTHERS. GROUP ATTEMPTED UNSUCCESSFULLY TO DRAFT JOINT ARTICLES, BUT DID AGREE TO HAVE U.S. APPROACH CERTAIN LDCS TO INDICATE STRONG OPPOSITION ON COASTAL STANDARDS BUT WILLINGNESS TO EXPLORE ENFORCEMENT QUESTIONS. IT SEEMS HIGHLY UNLIKELY THAT GROUP WILL AGREE ON ONE UNIFIED SUBSTANTIVE APPROACH DUE TO SPLIT ON WHAT RIGHTS TO GIVE COASTAL STATES AND OPPOSITION TO U.S. APPROACH ON PORT STATE STANDARDS AND ENFORCEMENT. HOWEVER, GROUP WILL MEET IN NOVEMBER FOR FURTHER DISCUSSIONS.

(5) NORWAY ESTABLISHED AND CHAIRED SEVERAL MEETINGS OF SMALL PRIVATE NEGOTIATING GROUP WHICH AGREED ON AN ARTICLE RELATING TO COASTAL RIGHTS OVER DUMPING. ARTICLE, WHICH IS BRACKETED TO PROTECT U.S. POSITIONS, WOULD GRANT EXCLUSIVE STANDARD-SETTING AND ENFORCEMENT RIGHTS ALONG LINES OF U.S.S.R. PROPOSAL IN COMMITTEE.

(6) IN SUMMARY, NEGOTIATIONS ON POLLUTION MOVED TO POINT OF TAKING UP CONTROVERSIAL ITEMS ON STANDARDS AND ENFORCEMENT PARTICULARLY REGARDING VESSEL-SOURCE POLLUTION. BOTH COASTAL AND MARITIME GROUPS HAVE BEGUN TO CAREFULLY ANALYZE PROBLEMS AND TO FORMULATE POSITIONS GEARED TO PRACTICAL SOLUTIONS TO THOSE PROBLEMS, ALTHOUGH THERE ARE CONSIDERABLE DIFFERENCES WITHIN EACH GROUP AS TO EXACTLY WHAT THE SOLUTIONS SHOULD BE.

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R 301530Z AUG 74
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC 5682

C O N F I D E N T I A L SECTION 9 OF 11 CARACAS 8511

FROM USDEL LOS

DEPARTMENT POUCH USUN, USMISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

B. SCIENTIFIC RESEARCH. FROM OUR PERSPECTIVE, SUBSTANTIAL
PROGRESS WAS MADE ON THE SCIENCE ISSUE AT THIS SESSION, BUT WE
ANTICIPATE A TOUGH NEGOTIATION ON THE ISSUE. AT THE LAST SEABED
COMMITTEE MEETING, THE U.S. WAS IN A POSITION OF VIRTUAL ISOLATION
WITH MOST NATIONS REFUSING TO CONSIDER OUR APPROACH AS AN ALTER-
NATIVE TO THE COASTAL STATE CONSENT REGIME FOR RESEARCH. WITH THE
INCLUSION OF THE U.S. POSITION AS THE THIRD OF THE FOUR MAJOR
TRENDS IN THE NEGOTIATIONS AND THE PUBLIC SUPPORT OF 17 COUNTRIES
AS REFLECTED IN DOCUMENT A/CONF 62/C. 3/L. 19, WE ARE ASSURED OF A
REASONABLE OPPORTUNITY TO NEGOTIATE THE U.S. POSITION. IMPROVEMENT
OF THE STATUS OF THE U.S. POSITION WAS BROUGHT ABOUT PRIMARILY
THROUGH THE EFFORTS OF THE FEDERAL REPUBLIC OF GERMANY WHICH CIR-
CULATED DRAFT ARTICLES WITHIN THE EUROPEAN ECONOMIC COMMUNITY
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REFLECTING OUR POSITION. DISCUSSIONS WITHIN THIS GROUP WERE SUB-
SEQUENTLY BROADENED TO INCLUDE THE U.S., SOVIET UNION, POLAND,
JAPAN, SWITZERLAND, SINGAPORE, THAILAND, LESOTHO, AUSTRIA, AND
SWEDEN WITH THE NETHERLANDS SERVING AS CHAIRMAN. IT WAS AGREED
AT AN EARLY STAGE THAT NEITHER THE SOVIET UNION NOR THE U.S.
WOULD CO-SPONSOR THE FINAL TEXTS PRODUCED BY THE "DUTCH" GROUP
IN ORDER TO INCREASE THE POSSIBILITY OF BROADENED CO-SPONSORSHIP.
THROUGHOUT THE SUMMER, DISCUSSION TOOK PLACE TO DRAFT L.19 AND THE
FINAL DOCUMENT FOLLOWS THE GENERAL OUTLINES OF THE U.S.
PROPOSAL. CO-SPONSORSHIP OF THE ARTICLES WAS UL-
TIMATELY BROADENED TO INCLUDE ELEVEN DEVELOPING COUNTRIES
(BOLIVIA, BOTSWANA, LAOS, LESOTHO, LIBERIA, NEPAL, PARAGUAY,
SINGAPORE, UGANDA, UPPER VOLTA AND ZAMBIA). THIS ACTION PRODUCED
AN OPEN SPLIT IN THE RANKS OF THE GROUP OF 77 AND ATTACKS BY
INDIA, KENYA AND ARGENTINA LED TO A PUBLIC DEBATE IN WHICH SINGA-
PORE, LESOTHO, AND LIBERIA SPOKE AGAINST A SET OF DOCUMENTS
TABLED EARLIER AND CHARACTERIZED AS A GROUP OF 77 CONSENSUS
DOCUMENT. THIS OPEN BREACH POINTED UP THE LACK OF SOLIDARITY IN
THE GROUP ON THE RESEARCH ISSUE, AND HIGHLIGHTED THE SPLIT BETWEEN

COASTAL AND LANDLOCKED DEVELOPING STATES.

(2) NEAR THE END OF THISSESSION, THE CHAIRMAN OF THE INFORMAL SESSION ON SCIENTIFIC RESEARCH STATED THAT THERE WERE FOUR MAJOR TRENDS IN NEGOTIATION AND ASKED THOSE WHO SUPPORTED THESE TRENDS TO PREPARE ANONYMOUS DOCUMENTS WHICH REFLECTED THEM. AT THAT POINT A SCHISM DEVELOPED WITHIN THE "DUTCH" GROUP. THE SOVIET UNION, UMK., FRANCE, JAPAN, SWITZERLAND, AND DENMARK PREPARED SEPARATE DRAFT ARTICLES -- WHICH WERE NEVER TABLED AS A FORMAL PROPOSAL -- CALLING FOR FREEDOM FOR ALL RESEARCH WITHIN THE ECONOMIC ZONE, EXCEPT RESEARCH AIMED AT THE DIRECT EXPLORATION AND EXPLOITATION OF LIVING AND NON-LIVING RESOURCES. THIS POSITION, ALTHOUGH ULTIMATELY REFLECTED IN THE CHAIRMAN'S REPORT AS THE FOURTH AND MOST CONSERVATIVE OF THE MAJOR TRENDS, DID HOWEVER PLACE SOME QUALIFICATION ON THE FREEDOM TO CONDUCT RESEARCH IN THE ECONOMIC ZONE BY PROVIDING THAT, WHEN POSSIBLE, THE COASTAL STATE SHOULD BE PROVIDED WITH INFORMATION ABOUT THE RESEARCH, GIVEN AN OPPORTUNITY TO PARTICIPATE IN THE RESEARCH, AND GIVEN ACCESS TO THE DATA AND SAMPLES. ALTHOUGH THESE DRAFT ARTICLES WERE NOT FORMALLY INTRODUCED, THE U.K. INFORMED US THAT IT WILL SEEK AUTHORITY TO SPONSOR THIS TEXT, WHICH WOULD MOVE THEM CLOSER TO OUR POSITION AND AWAY FROM THEIR FORMER POSITION FAVORING CONSENT FOR CONTINENTAL SHELF RESEARCH. THE SOVIET UNION ALSO STATED

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INFORMALLY THT IT COULD NOT FORMALLY SPONSOR THIS PROPSAL AT THIS TIME DUE TO DOMESTIC LAWS REQUIRING CONSENT FOR SHELF RESEARCH, BUT WE WERE TOLD THAT THE U.S.S.R. WILL SEEK AUTHORITY TO CHANGE THIS ASPECT OF ITS POSITION BEFORE THE NEXT SESSION. DUE TO THE DIVERGENT VIEWS OF THE MINISTRIES INVOLVED, THIS CHANGE OF POSITION WILL BE DIFFICULT TO ATTAIN. WE HAVE LEARNED THAT THE SOVIET MINISTRY OF DEFENSE IS CONCERNED ABOUT THE POSSIBILITY OF US MILITARY RESEARCH IN THE ARCTIC. AS STATED EARLIER, THE REMAINDER OF THE "DUTCH" GROUP DECIDED TOKNTRODUCE FORMALLY THE PROPOSAL THAT IT HAD DEVELOPED AS ONE OF THE FOUR ANONYMOUS TRENDS. THE ONLY DIFFERENCE BETWEEN THE ANONYMOUS AND FORMAL PROPOSALS IS THAT THE LATTER INCLUDES A REQUIREMENT TO OBTAIN COASTAL STATE CONSENT FOR DRILLING AND THE USE OF EXPLOSIVES LIKELY TO AFFECT THE SEABED.

(3) THE SECOND TREND, FAVORING A REQUIREMENT THAT CONSENT "NOT NORMALLY BE WITHHELD", WAS DEVELOPED BY AUSTRALIA, CANADA, COLOMBIA, IRELAND, MEXICO, SPAIN AND VENEZUELA. NONE OF THE SPONSORS WISHED TO INTRODUCE A FORMAL PROPOSAL REFLECTING THIS TREND, ALTHOUGH THE THREE LATIN COUNTRIES STRONGLY ADVOCATED SUPPORT FOR THIS TREND IN THE GROUP OF 77. THEIR EFFORTS WERE UNSUCCESSFUL SINCE THE GROUP OF 77, AS THE SPOKESMEN FOR THE THREE LATIN STATES TOLD US PRIVATELY, ADOPED A HARD-LINE POSITION FOR TACTICAL REASONS. OF NOTE, TOO, IS THE FACT THAT AUSTRALIA PRIVATELY STATED THEY COULD ACCEPT A REQUIREMENT THAT CONSENT NOT BE WITHHELD WHEN CERTAIN CONDITIONS HAVE BEEN MET.

(4) THERE WERE DEEP DIVISIONS AS THE GROUP OF 77 DEVELOPED ITS

POSITIONS. THERE WAS PRESSURE NOT ONLY FROM COUNTRIES FAVORING A MORE MODERATE POSITION, BUT ALSO, AS INDICATED BY THE SPLIT OVER L.19, FROM THE LAND-LOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED STATES WHO DESIRED RIGHTS WITH RESPECT TO RESEARCH CONDUCTED WITHIN THE ECONOMIC ZONE OF NEIGHBORING COASTAL STATES. BRAZIL STATED PRIVATELY THAT THE GROUP OF 77 POSITION IN THE INTERNATIONAL AREA IS DESIGNED AS A TRADE-OFF FOR ACCEPTANCE BY THE DEVELOPED COUNTRIES OF A CONSENT REGIME IN THE ECONOMIC ZONE.

(5) ON TECHNOLOGY TRANSFER, SRI LANKA INTRODUCED DRAFT ARTICLES WHICH WERE GENERALLY ACCEPTABLE FROM OUR POINT OF VIEW. UNFORTUNATELY, SRI LANKA, FACED WITH ISOLATION WITHIN THE GROUP OF 77, WITHDREW ITS ARTICLES AND CO-SPONSORED L.12.

5. DISPUTE SETTLEMENT. THE NUCLEUS OF THE DISPUTE SETTLEMENT GROUP, WHICH WAS LAUNCHED BY THE U.S., AND LED BY EL SALVADOR AND CONFIDENTIAL

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AUSTRALIA, INCLUDES THE U.S., CANADA, NEW ZEALAND, FRANCE, U.K., ITALY, FRG, NETHERLANDS, ISRAEL, USSR, POLAND, KENYA, LIBERIA, NIGERIA, TURKEY, LEBANON, SRI LANKA, THAILAND, IRAN, SINGAPORE, COLOMBIA, VENEZUELA. WHILE ITS WORK IS ENCOURAGING AND PROLIFIC, THIS IS LARGELY DUE TO THE LEADERSHIP OF THE CO-CHAIRMEN AND THE ASSISTANCE OF THE U.S. RAPPOREUR, PROFESSOR SOHN. WE SEE THE FOLLOWING MAJOR PROBLEMS ON THE HORIZON:

A) THE AFRICANS ARE GENERALLY RELUCTANT, DESPITE VERY POSITIVE SUPPORT FROM THE ETHIOPIAN, LIBERIAN AND KENYAN DELEGATES ON THE GROUP. THESE AFRICAN STATES TELL US THEY WILL RAISE THE ISSUE IN THE OAU AND PRESS FOR POSITIVE ACTION.

B) SOVIET SUPPORT, WHILE A WELCOME EVOLUTION OF POLICY, IS LIMITED TO FISHERIES AND DEEP SEABED DISPUTES AT THIS TIME, AND IS ACCOMPANIED BY ADAMANT OPPOSITION TO SUITS AGAINST STATES BY NATURAL OR JURIDICAL PERSONS OR INTERNATIONAL ORGANIZATIONS.

C) SOME DESIRE SPECIFIC EXCEPTIONS SUCH AS BOUNDARY DISPUTES BETWEEN NEIGHBORING STATES (E.G., VENEZUELA) WHILE OTHERS SEEM TO WANT DISPUTE SETTLEMENT IN PART PRECISELY BECAUSE IT COVERS SUCH DISPUTES (E.G.? COLOMBIA).

D) PRIVATE INDICATIONS FROM CANADA AND NEW ZEALAND OF OPPOSITION TO OUR PROPOSED EXCEPTION FOR MILITARY ACTIVITIES HAVE ALREADY BEEN MADE, PARTICULARLY ON THE QUESTION OF LIABILITY FOR DAMAGE.

E) GENERAL COASTAL STATE SENSITIVITY TO DISPUTE SETTLEMENT IN THE ECONOMIC ZONE RELATED TO CONCEPTUAL VIEWS OF THE TERRITORIAL

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JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04 DRC-01

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R 301530Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5683

C O N F I D E N T I A L SECTION 10 OF 11 CARACAS 8511

FROM USDEL LOS

DEPARTMENT POUCH USUN, US MISSION GENEVA, AND ALL U.S.
EMBASSIES EXCEPT CARACAS

NATURE OF THE ZONE (WHICH EL SALVADOR SUPPORT SHOULD HELP TO
CONTROL) AND MORE SPECIFIC CONCERNS ABOUT INTERFERENCE WITH
COASTAL STATE RESOURCE, PARTICULARLY FISHERIES, MANAGEMENT
(E.G., IRELAND, NORWAY, CANADA, INDIA).

F) EUROPEAN ATTACHMENT EITHER TO THE ICJ OR TO ARBITRATION,
IN CONTRAST TO LDC INTEREST IN THE U.S. IDEA OF AN LOS TRIBUNAL
AND HOSTILITY TO THE ICJ.

G) ARAB SENSITIVITY TO ANYTHING THAT COULD ENTAIL LITIGATION
WITH ISRAEL.

(2) WE HAVE TRIED TO AVOID EUROPEAN DOMINATION OF THE GROUP,
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AND TO ALIGN OURSELVES AS MUCH AS POSSIBLE WITH LDC AND COASTALLY ORIENTED PARTICIPANTS. THUS FAR THIS HAS HAD ASSUAGING EFFECTS, BUT DIFFERENCES ARE NOT FAR BENEATH THE SURFACE.

(3) ON THE POSITIVE SIDE, THE GROUP IS BUILDING A CERTAIN ESPRIT DE CORPS, THE GREAT PRESTIGE OF BOTH GALINDO POHL AND HARRY IN THE CONFERENCE PLACES OPPONENTS AT A CONSIDERABLE DIS-ADVANTAGE, AND, EXCEPT FOR THE AFRICANS, LDC INVOLVEMENT BY NOW PROBABLY RENDERS BLOC DECISIONS AGAINST COMPULSORY DISPUTE SETTLEMENT UNLIKELY.

6. LIAISON. TWENTY-THREE GOVERNMENT MEMBERS OF THE DELEGATION HAD DIRECT RESPONSIBILITIES FOR LIAISON WITH DELEGATIONS PARTICIPATING IN THE CARACAS SESSION, LESS THOSE COUNTRIES NOT HAVING DIPLOMATIC RELATIONS WITH THE UNITED STATES. THUS, FOR THE PURPOSES OF LIAISON, 134 COUNTRIES WERE INVOLVED. CONTACT WITH ALL OF THESE COUNTRIES WAS MADE TO VARYING DEGREES AND INFORMATION OBTAINED FROM THEM RESULTED IN WRITTEN REPORTS OF SUBSTANTIVE VALUE FROM OVER 110 COUNTRIES. IN TOTAL, OVER 275 SUCH REPORTS DEALT WITH THE BREADTH OF THE TERRITORIAL SEA, STRAITS, ECONOMIC ZONE AND CONTINENTAL SHELF, FISHERIES, SEABEDS, POLLUTION, AND SCIENTIFIC RESEARCH, SEVERAL OF THEM INCLUDED MATERIAL OF A TACTICAL CHARACTER CONCERNING MOVEMENTS WITHIN THE VARIOUS BODIES OF THE CONFERENCE.

(2) THE COMBINATION OF THE LIAISON EFFORT WITH THE STATEMENTS MADE BY VARIOUS DELEGATIONS IN OPEN SESSIONS WAS AN AID IN DETERMINING TWO THINGS: 1) WHAT THE BASIC POSITION WAS OF THE VARIOUS DELEGATIONS; FREQUENTLY WHAT WAS REPORTED IN PRIVATE DID NOT CORRESPOND WITH WHAT WAS SAID IN THE OPEN FORUM, AND 2) IT PROVIDED A METHOD OF DETERMINING THE IMPACT OF U.S. POLICIES ON FOREIGN DELEGATIONS. QUITE SEPARATE FROM THE ABOVE WERE THE LINES OF COMMUNICATIONS ESTABLISHED BETWEEN VARIOUS MEMBERS OF THE LIAISON TEAM AND FOREIGN DELEGATIONS. THIS PROVED TO BE INVALUABLE IN MANY INSTANCES AND SHOULD SERVE THE DELEGATION WELL IN THE FUTURE.

(3) THE ADDITION OF TWO AREA SPECIALISTS TO THE DELEGATION, ONE FOR LATIN AMERICA AND ONE FOR AFRICA, WAS OF MAJOR VALUE IN ESTABLISHING CONTACT AND ASCERTAINING TRENDS IN THOSE AREAS, CONFIDENTIAL

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PARTICULARLY IN LIGHT OF THEIR KNOWLEDGE OF THE POLITICAL ASPECTS OF THEIR AREAS. THE DELEGATION WISHES TO EXPRESS ITS THANKS TO AF, ARA, AND AMEMBASSIES CARACAS AND LAGOS FOR THIS ASSISTANCE, AND ITS HOPE THAT SUCH PERSONNEL, INCLUDING A POLITICAL EXPERT FOR THE SOUTH AND SOUTHEAST ASIAN AREA, WILL BE INCLUDED ON THE DELEGATION AT GENEVA.

(4) UPON RETURN TO WASHINGTON, LIAISON REPORTS WILL BE SYNTHESIZED WITH STATEMENTS MADE IN THE OPEN FORUM OF THE CONFERENCE PLUS OTHER MATERIALS IN ORDER TO PROVIDE THE U.S. DELEGATION IN 1975 WITH THE MOST CURRENT INFORMATION ON POSITIONS OF ALL COUNTRIES PARTICIPATING IN THE CONFERENCE.

7. TRUST TERRITORY OF THE PACIFIC ISLAND

(1) NUMEROUS MEETINGS WERE HELD WITH THE CONGRESS OF MICRONESIA ADVISER ON THE U.S. DELEGATION, SENATOR AMARAICH, WITH HIS COUNSEL AND WITH OTHERS FROM MICRONESIA. DESPITE THE VERY CORDIAL RELATIONS BETWEEN THE MICRONESIANS AND U.S. DELEGATES, IT BECAME APPARENT AFTER THE MICRONESIANS RETURNED IN AUGUST FROM A MEETING OF THE CONGRESS OF MICRONESIA THAT THEY WERE DISSATISFIED WITH THE EXTENT TO WHICH U.S. PROPOSALS AND RAPPROACHES ACCOMMODATED THEIR INTERESTS, PARTICULARLY ON TUNA AND ISLANDS. THEY FINALLY DECIDED TO PREPARE THEIR OWN STATEMENT, WHICH WAS INTRODUCED ON THEIR BEHALF BY AMB. STEVENSON AND CIRCULATED IN PLENARY ON AUGUST 27

,
IN WHICH THEY ENDORSED THE APPROACH CONTAINED IN THE AUSTRALIA-NEW ZEALAND PROPOSAL ON TUNA, AND THE NEW ZEALAND PROPOSAL ON JURISDICTION OF ISLANDS, ATOLLS, AND AREAS UNDER FOREIGN DOMINATION AND CONTROL. IT IS OUR UNDERSTANDING THAT THE RELEVANT AUSTRALIAN AND

NEW ZEALAND PROPOSALS WERE WORKED OUT IN CONSULTATION WITH THE MICRONESIANS. THE MICRONESIANS SAY THAT THEIR INTERESTS CANNOT BE ACCOMMODATED IF THEY ARE BOUND BY U.S. DELEGATION SUBSTANTIVE POSITIONS BECAUSE OF THE INHERENT CONFLICT OF INTEREST BASED ON DIFFERENT INTERESTS, AND WISH AN EARLY USG DECISION ON SEPARATE STATUS AT THE NEXT SESSION SO THAT THIS MATTER CAN BE DEALT WITH AT THE UNGA THIS FALL. THE ISSUE OF SEPARATE STATUS FOR PAPUA-NEW GUINEA, THE COOK ISLANDS, SURINAM, THE NETHERLANDS ANTILLES, AND THE ASSOCIATED CARIBBEAN STATES (UK) WAS RAISED AT THE END OF THIS SESSION, AND THE CONFERENCE ADOPTED

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A RESOLUTION TO THE UNGA RECOMMENDING THAT THEY BE INVITED, AS PARTICIPANTS IF INDEPENDENT, AND OTHERWISE AS OBSERVERS. THE MICRONESIANS AGREED TO HOLD OFF AT THIS TIME TO GIVE US TIME TO CONSIDER MATTER. THEY MAY SEEK TO RAISE THIS ISSUE ON THEIR OWN IN THE UNGA OR THE TRUSTEESHIP COUNCIL THIS FALL UNLESS THEY AND THE U.S. REACH EARLY AGREEMENT ON SEPARATE STATUS.

NOTE BY OCT: NOT POUCHED ABOVE ADDRESSEES.

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 AF-10 EA-11 EUR-25 NEA-14 RSC-01

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 FEA-02 AID-20

CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04

SCI-06 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04 DRC-01

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8. PLANNED INTERSESSIONAL WORK.

(1) CONSIDERABLE INTERSESSIONAL WORK OF A REGIONAL AND INTERNATIONAL CHARACTER IS ANTICIPATED.

(2) THE AFRICANS PLAN TO CONSULT WITHIN THE OAU CONTEXT DURING AND AFTER THE UNGA, BUT WE ARE NOT CERTAIN IF THEY PLAN TO TAKE RECOMMENDATIONS TO THE COUNCIL OF MINISTERS OR HEADS OF STATE.

(3) THERE IS TALK OF A LATIN AMERICAN "SUMMIT", WHICH WILL BE DISCUSSED DURING THE UNGA. IT APPEARS THE TERRITORIALISTS ARE PUSHING THIS AND THE "MODERATES" RESISTING. WE HAVE HEARD OF SOME SUGGESTIONS FOR INCLUDING THE U.S. AND CANADA "FOR BALANCE".

(4) LOS MATTERS WILL BE PROMINENT ON THE AGENDA OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE TEHRAN SESSION IN JANUARY.

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(5) WITH RESPECT TO COMMITTEE I, THE GROUP OF 77 PLANS TO MEET

IN NEW YORK DURING THE GENERAL ASSEMBLY ON THE SEABED REGIME, PARTICULARLY ON THE SYSTEM AND CONDITIONS OF EXPLORATION. THIS MEETING MAY BE DEFERRED UNTIL EARLY JANUARY. AT MY SUGGESTION DR. JAGOTA OF INDIA HAS AGREED TO ATTEMPT TO ORGANIZE A MORE REPRESENTATIVE MEETING OF APPROXIMATELY 35 EXPERTS FROM ALL REGIONS AND INTEREST GROUPS. HIS TENTATIVE THINKING IS TO HOLD THIS MEETING FOR A WEEK OR TEN DAYS IN NEW DELHI IN LATE JANUARY FOLLOWING THE TEHRAN AALCC MEETING. COMMITTEE CHAIRMAN ENGO AND INFORMAL NEGOTIATING CHAIRMAN PINTO ARE SUPPORTING THE IDEA BUT POSTS SHOULD NOT DISCUSS THIS MEETING WITH ANY FOREIGN REPRESENTATIVES AS DR. JAGOTA WISHES TO KEEP THIS MEETING AS UNOFFICIAL AS POSSIBLE AND AVOID OPPOSITION FROM HARD-LINERS AND THOSE NOT INVITED. AMBASSADOR STEVENSON WILL BE WRITING THROUGH US MISSION NEW DELHI TO JAGOTA WHO LEFT CONFERENCE EARLY, AS TO HIS CONSULTATIONS WITH ENGO AND PINTO FOLLOWING JAGOTAS DEPARTURE.

(6) THE JURIDICAL EXPERTS (EVENSEN) GROUP WILL MEET IN NEW YORK IN LATE OCTOBER, AND PRESUMABLY CONCENTRATE ON THE ECONOMIC ZONE. A FURTHER MEETING MAY BE ARRANGED AT THAT TIME.

(7) AT THE SUGGESTION OF COMMITTEE III CHAIRMAN YANKOV (BULGARIA), NORWAY IS ATTEMPTING TO ARRANGE AN INFORMAL, PRIVATE MEETING OF SELECTED STATES IN LONDON IN LATE JANUARY TO DISCUSS MARINE POLLUTION AND POSSIBLY SCIENTIFIC RESEARCH. THE MEETING WOULD INCLUDE ABOUT 20 COUNTRIES WHO HAVE BEEN ACTIVE IN COMMITTEE III, AND WOULD CONCENTRATE ON CONTROVERSIAL ISSUES (E.G. VESSEL-SOURCE POLLUTION STANDARDS AND ENFORCEMENT).

(8) PROF. MALINTOPPI (ITALY) INFORMED AMBASSADORS GALINDO POHL AND HARRY THAT HE IS TRYING TO ARRANGE A MEETING OF THE INFORMAL DISPUTE SETTLEMENT GROUP IN ROME DURING THE WEEK PRECEDING THE GENEVA SESSION AND HAS ASKED HIS GOVERNMENT FOR APPROVAL. IF THE DECISION IS FAVORABLE, HE WILL INFORM HARRY IN BONN, WHO WILL ISSUE INVITATIONS.
STEVENSON

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